

In the
Indiana Supreme Court



IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR OHIO COUNTY)

Case No. 58S00-1205-MS- 290

ORDER APPROVING AMENDED LOCAL RULES

The judge of the Ohio Circuit Court requests the approval of amended local rules for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.


Upon examination of the proposed rule amendments requested by the Ohio Circuit Court, this Court finds that the proposed rule amendments, LR 58-AR-8 and LR 58-AR-9 comply with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Ohio County Local Rule, LR 58-AR-8 and LR 58-AR-9, set forth as an attachment to this Order, are approved effective retroactive to May 15, 2012, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. James D. Humphrey, Ohio Circuit Court, Courthouse, Rising Sun, IN 47040; to the Clerk of the Ohio Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Ohio Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 24th day of May, 2012


Brent E. Dickson
Chief Justice of Indiana

LR58-AR-8: ASSIGNMENT OF CERTAIN CONFLICT CASES

- A. This rule shall apply to the re-assignment of case and the selection of a special judge where there is an Order of Disqualification or Recusal.
- B. As to criminal cases filed where the Judge of the Ohio Circuit Court has a conflict of interest in any case which required him to recuse himself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney or private practitioner, the case shall be assigned to a Senior Judge assigned to this court for all further proceedings. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to the Senior Judge appointed. The Senior Judge will be notified and shall accept jurisdiction under the provisions of this rule unless disqualified under the Code of Judicial Ethics or excused from service by the Indiana Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an oath or special order accepting jurisdiction. The Senior Judge shall retain jurisdiction of the case for all future proceedings unless a specific statute or rule provides to the contrary or the Senior Judge is unavailable by reason of death, sickness, absence or unwillingness to serve. If further re-assignment or selection of a successor Special Judge or Senior Judge is required, then it shall be in the same manner as set forth in Ohio Circuit Court Local Rule AR-8(D) for criminal cases or Court Local Rule AR-9 for civil cases.
- C. As to cases filed where the Judge of the Ohio Circuit Court has a conflict of interest in any cases which requires him to recuse himself due to a business association, the case shall be assigned to the presiding Judge of Dearborn Superior Court No. 1. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to the presiding Judge of Dearborn Superior Court No. 1. The presiding Judge of Dearborn Superior Court No. 1 will be notified and shall accept jurisdiction under the provisions of his Rule unless disqualified under the Code of Judicial Ethics or excused from service by the Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an oath or special order accepting jurisdiction. The presiding Judge of Dearborn Superior Court No. 1 shall retain jurisdiction of the case for all future proceedings unless a specific statute or rule provides to the contrary or the Judge is unavailable by reason of death. If further re-assignment or selection of a successor Special Judge is required, then it shall be in the same manner as set forth in Ohio

Circuit Court Local Rule AR-8-D for criminal cases or Court Local Rule AR-9 for civil cases.

- D. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12(B), the presiding Judge disqualifies himself or it becomes necessary to assign another Judge in any criminal or juvenile delinquency case in the Ohio Circuit Court, the Clerk shall reassign said cases to the Judge of the following courts in the following consecutive order:

1. Dearborn Superior Court 1
2. Dearborn Superior Court 2
3. Switzerland Circuit Court
4. Ripley Circuit Court
5. Ripley Superior Court

In the event it becomes necessary to reassign a criminal or juvenile delinquency case in the Ohio Circuit Court, the judges shall be reassigned in consecutive order to the Judges of the above named courts. Judges previously assigned the case are ineligible for reassignment.

(Amended effective May 15, 2012)

LR58-AR-9: SPECIAL JUDGES

- A. Pursuant to Trial Rule 79(H), the following list of Judges shall be eligible for appointment as a Special Judge in civil cases:
1. Judge of the Jefferson Circuit Court
 2. Judge of the Jefferson Superior Court
 3. Judge of the Switzerland Circuit Court
 4. Judge of the Ripley Circuit Court
 5. Judge of the Ripley Superior Court
 6. Judge of the Dearborn Superior Court 1
 7. Judge of the Dearborn Superior Court 2
- B. Such judges shall be appointed on a rotating basis. All judges named above are members of Indiana Supreme Court Administrative District 22.

(Amended effective May 15, 2012)